

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
REPLY BRIEF**

76-7364

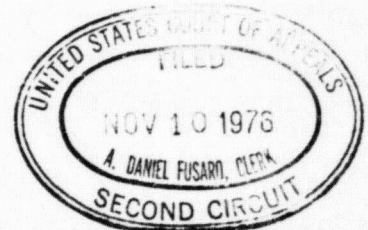
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Docket No. 767364

CONSTANCE E. BROOKS,
Plaintiff-Appellant,

vs

WASHINGTON FEDERAL SAVINGS AND
LOAN ASSOCIATION, HOTEL PARIS and
WEST PAR REALTY CORPORATION
Defendants-Appellees



ANSWER TO DEFENDANTS BRIEF AND ARGUMENT

Answer to Defendants preliminary statement

United States Court for the Southern District of New York reviewed the merits of plaintiffs appeal statement and altered a decision to dismiss the matter; ordered plaintiff the right to be heard in US Court of Appeals in forma pauperis on 20 Jul 76.

Plaintiffs financial relief sought exceeds \$10,000.00 as afore stated. Therefore Federal Court has jurisdiction.

Plaintiff remains a resident of New York, New York in order to rescue the child Dawn Michelle Young who was harmed on 6 May 73,

The child endured harm and hardship due to criminal activity of defendant/s subordinates a/a/a employees.

Said child and plaintiff were on 6 May 1973 (date child was harmed on defendants property located at 752 West End Ave) factually and legally residing in Los Angeles, California. Plaintiff and child were merely in transient from Los Angeles, Calif doing official and personal business of urgency.

As a result of the 6 May 1973 incident at 752 West End Ave New York, New York the said child Dawn Michelle Young has been restrained from plaintiff and her residence unlawfully in the State of New York, New York.

Plaintiff refuses to desert the child and return home to Los Angeles, California prior to a rescue.

Plaintiff was ordered thru the Federal judicial on 2 Jul 74

B
P/S

to rescue said child.

Plaintiff returned to 752 West End Ave, New York, New York 2 Jul 74 point and place of original incident in order to investigate as she was instructed.

Defendant/s state the appellant failed to serve & file a proper appendix, etc.

Appellant did serve the court and defendants brief and appendix in the manner pro-se clerk of US Court of Appeals instructed plaintiff. The documents filed were examined by clerk of court and found to be in order in accordance with request and order of the court timely. Defendants and Appellee appended options below were transferred and certified to US Court of Appeals timely and the pro-se clerk did not feel it was necessary for plaintiff to duplicate such.

Answer to Defendants-Statement of Issue present

Federal Court does have jurisdiction of subject matter in compliance with rule 28 USC 1331 for same reason options below awarded appeal merit. That reason as afore stated:

PLAINTIFF SEEKS FINANCIAL REIMBURSEMENT IN EXCESS OF \$10,000.00.

Plaintiff prays the court and defendants attorney's find this fact to have been stated in a clear and coherent manner.

Answer to defendants - Statement of Case

The instant action was initiated by the defendants first unlawful act committed on 6 May 73 that caused plaintiff, plaintiff's said child other children, family, co-workers and business associates so much hardship and grief.

Plaintiff endured surgery and other physical damage due to defendant's failure to provide a safe and fit abode deliberately is and has been optioned below and officially recorded below.

Answer to Defendants - Statement of Issue Presented

Plaintiff has resided in New York, New York since 6 May 73 incident that occurred on defendants real property (regardless of change of business name) unwillingly to rescue said child being held in New York, New York hostage in violation of criminal index code 18- 875_____.

The matter is under investigation and in review for prosecution of all parties and participants of the violation and has been since at least 6 May 73 by proper authority, city, state and federal.

A. Washington Federal Savings and Loan was doing business on 6 May 1973 as mortgage holder of the said business, Hotel Paris.

1. Wash Fed Svgs & Ln is and was responsible to obtain and maintain liability insurance for its mortgagee's real.

2. Hotel Paris owners were and are responsible to obtain and maintain liability insurance at all times regardless of change of name.

3. West Par Corporation was and is responsible to obtain and maintain liability insurance at all times. Plaintiff endured pelvic surgery March 1976 for a condition further agitated by a comparative walking up 14 flights of stairs. West Par Corporation was responsible to provide a fit and safe abode yet deliberately failed to.

B. All three defendants have failed to produce the identity of their liability insurance agency to date. Plaintiff has constantly requested such and does herein request the same.

Washington Federal Savings and Loan, Hotel Paris, West Par Corp are indeed doing business this date as one and same- Land Lord- rather legally or illegally. Burden of proof being maintained at points for confirmation to the court.

Defendant plainly states Wash Fed Savings and Loan is a federally chartered business. Therefore, plaintiff herein complains to the court and the Federal Charter Agency the fact Wash Fed Svgs & Loan's employees are in violation of Federal Law at least in this plaintiffs behalf. Said business has caused plaintiff and others to endure hardships beyond financial reimbursement, in violation of law city, state and Federal, civil and non civil.

Plaintiff requested Hotel Paris to identify desk clerk's person/s, parties who:

A. Rented an accommodation to Plaintiff and child on Hotel Day of 6 May 73. The accommodation housed an uninstalled telephone. Plaintiff had requested a room with telephone for one to two days. There were accommodations on that date available that had working

telephone service, investigation confirms. Plaintiff pre-paid in cash for a room with working telephone.

It has been opind. below that:

1. The desk clerk who rented plaintiff and child accommodation on 6 May 1973 did deliberately provide plaintiff and child with unsafe quarters.

2. The desk clerk who alleged he called the New York Telephone Company business office on Sunday, requested telephone installation service and the business office provided telephone installation service did deliberately lie. New York Telephone Company business office is not open on Sunday to honor such request it has been confirmed.

It has been opind. below that the desk clerks communicated thru parties thru inter-state commerce to deliberately cause plaintiff and child harm.

PLAINTIFF WAS IN ROUTE TO WASHINGTON, D C VIA NEW YORK FROM HER LOS ANGELES, CAL RESIDENCE ATTENDING TO URGENT OFFICIAL BUSINESS FOR & WITH US FEDERAL GOV'T OF A CLASSIFIED NATURE as well as attending to personal business.

It has been opind. below that plaintiff and child endured harm and torture to restrain plaintiff from proceeding in the official and classified itinerary.

It has been opind. below that very influential and clever persons arranged the series and incidents that plaintiff, etc endured from at least 6 May 1973 thru interstate commerce.

Said desk clerks, telephone Co craftsman and all other persons in deliberate participation of violation of Federal law were unknown to plaintiff and child prior to their bold exhibition of violation of law.

It has been opind. below that it is more than just a coincidence that these persons and others would just pick plaintiff and child at random to deliberately cause so much harm to, without influence of monetary and/or political gain.

Plaintiff is Career-Federal Employee receiving disability at this time as a result of the 6 May 73 incident in great part.

Answer to Defendants-Appellees Argument

Honorable Judge Carter altered his opinion after reviewing the merits of the appeal.

MUCH is to be learned by findings that trial will produce.

a. The identity of desk clerks(at large) who participated in afore stated activities adverse of Federal Law.

b. The identity of persons responsible to maintain a true business record for at least three years for internal revenue service. Said employees, etc stated they do not have to maintain business records for 3 years in compliance with Federal Law.

c. The reason for mysterious disappearance of the guest history for Dawn M. Young 6 May 73 from records of Hotel Paris Accountants file- A/K/A receivers, etc for said property.

All persons known as defendants and appellees and in addition Court appointed Receivers shift the weight of responsibility to maintain business records, security records from one to the other to date.

The appellants remedy lies in the Court of US Federal Gov't for the reasons afore stated as clearly and coherently as plaintiff and opinioners are capable of explaining pro-se.

A. FINANCIAL REIMBURSEMENT EXCEEDING \$10,000.00. To be precise the amount originally stated, for financial loss, mental anguish and grief endured by plaintiff, etc. Such is beyond mere financial reimbursement.

B. Afore stated subordinates of defendants- appellees are in violation of Federal Law- ref Criminal Index code 18 375 at least.

Answer to Defendants- Conclusion

Defendants have WHAT RIGHT to be exempt from order of the court to award plaintiff with some type of financial reimbursement for monetary loss they are indeed the cause of in great part.

If Defendants or any person hearing this matter had endured the loss plaintiff has endured, the mental anguish, embarrassment and grief, no normal person would expect less than Honorable appointees of the court to order the offenders to make amends.

Respectfully

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Constance E. Brooks, etc

CONSTANCE E. BROOKS, ETC.

PRO-SE

752 West End Ave- New York, N Y
10025

November 5, 1976
New York, New York

2 encl +
appendix

Hotel Paris

RIVERSIDE
3500

EVERY ROOM WITH BATH
SWIMMING POOL
RESTAURANT . COCKTAIL LOUNGE . 800 ROOMS

LOUIS PAINEIRA
GENERAL MANAGER



WEST END AVENUE AT 87th STREET
NEW YORK, N.Y. 10025

INTEROFFICE MEMORANDUM

DATE: September 16, 1976
TO: All Department Heads
FROM: Louis Paineira
General Manager

SUBJECT: Employees Remaining In Hotel While Off Duty

In previous memorandums it has been established that employees are not to remain in the hotel after they are off duty.

Also, employees that have been terminated are not allowed to enter the building without my approval.

Security Officer, Assistant Manager and Night Manager on duty who will be flexible with these instructions will be dismissed immediately.

cc: Messrs. Peter Mc Kibbin
Edward T. Klett

Bank Employee

Alleged Bank

Court appn't - receiver

* note - Why would Mr. L. Paineira send personal info - Wash Fed. Savings & Lf receivers?

*Cridwell
Wash - Fed -
Savings & Loan
are during
day & night session
doing Land Lord
Tenement Business*

*Burden of proof
harassment - M.O.*

NOTICE OF TERMINATION OF MONTHLY TENANCY

TO: Commissioner of Real Estate
of the City of New York
Acting for and as Representative
of the City of New York
2 Lafayette Street
New York, N. Y.

All Persons Occupying Premises
Described Below

W. Bernard Richland
Corporation Counsel of the
City of New York
Municipal Building
New York, N. Y.

PLEASE TAKE NOTICE that the undersigned landlord hereby elects as of November 30, 1976 to terminate the tenancy with respect to the premises now occupied by you, and each of you, being the particular premises situated at number 752 West End Avenue, New York, N. Y., rooms numbered 701, 702, 704, 707, 708, 709, 710, 712, 715, 716, 717, 718, 719, 722, 723, 724, 725, 726, 727, 728, 729, 731, 732, 733, 734, 603, 604, 606, 607, 608, 610, 613, 617, 618, 619, 620, 622, 623, 626, 627, 631, 635, 636, 638, 502, 503, 510, 511, 512, 514, 515, 516, 517, 518, 520, 521, 522, 523, 525, 526, 527, 530, 531, 536, 403, 404, 405, 406, 408, 411, 413, 413, 414, 416, 418, 419, 420, 421, 423, 424, 425, 426, 427, 428, 429, 431, 433, 435, 436, 437, each said room number identified above consisting of 1-1/2 rooms.

YOU ARE FURTHER NOTIFIED that, unless you remove from said premises on or before the said 30th day of November, 1976, being the day upon which your term expires, the landlord will commence summary proceedings under the statute in such cases made and provided to remove you therefrom.

Dated: New York, New York
October 22, 1976

Yours, etc.,

WESTPAR REALTY CORP., Landlord

By

Philip Holzer
Philip Holzer, President

*Alleged Landlord - does not
per 20 Oct - LH Ten C - N.Y.C.
Alleged Landlord - does not
per 20 Oct - LH Ten C - N.Y.C.*

CONSTANCE E. BROOKS,

Plaintiff-Appellant,

WASHINGTON FEDER. SAVINGS & LOAN BANK,
HOTEL PARIS AND WEST PAR CORP.

Defendants-Appellees.

ATTORNEYS

Constance E. Brooks, Prose
152 West End Avenue
Box 1420
New York, N.Y. 10025

For Appellees
Samuel Morris Levin &
Shein, Esqs.
40 W. 57th Street
New York, N.Y. 10019
(Wash. Fed. Sav. & Loan
Par Corp.)

C
L-4
L-4-100

Plaintiff: Bank of America National Savings		Docket No. 76-1098	
TYPE OF CASE: <input type="checkbox"/> U.S. Civil <input type="checkbox"/> Criminal <input type="checkbox"/> Administrative <input type="checkbox"/> Bankruptcy <input checked="" type="checkbox"/> Private Cause <input type="checkbox"/> Other (specify)		DISTRICT COURT: <input type="checkbox"/> Conn. <input type="checkbox"/> EDNY <input type="checkbox"/> SDNY <input type="checkbox"/> NDNY <input type="checkbox"/> SONY <input type="checkbox"/> VT <input type="checkbox"/> Other (specify)	
Form	Date Filed	DOCKET FEE	DISTRICT COURT DATA
			DISTRICT NO. & CT. NO.
			76 CIV 1098
		ACCOUNT OF APPELLANT	DATE ACTION FILED IN DIST. COURT
	8-2-76		
	8-2-76		3-8-76
CA 20		RECEIVED	DATE OF DISTRICT COURT JUDGMENT
			6-11-76
CA 20		DISBURSED	DATE N.A. FILED
			7-20-76
Other (specify)			DATE DOCKETED
			8-2-76
PREARGUMENT CONFERENCE HELD: <input type="checkbox"/> NO FEE REQUIRED: <input checked="" type="checkbox"/> FP <input type="checkbox"/> Ca <input type="checkbox"/> SC			

SCHEDULING ORDERS						FILING OF BRIEF, APPENDIX, ETC.		
SET 1	Adj SO 2	Adj SO 3	Adj SO 4	Adj SO 6	PAPER FILED	PARTY	DATE	
DATE ISSUED	DATE ISSUED	DATE ISSUED	DATE ISSUED	DATE ISSUED				
8-3-76								
8-29-76								
10-8-76								
11-7-76								
11-29-76								
<input type="checkbox"/> ADJ. SO. ETC. OVER <input type="checkbox"/> APPELLEE'S APPENDIX								

MOTION TO EXTEND TIME		CALENDAR		TERMINATION		METHOD OF DISPOSITION	
Date Filed	Order Entered	Date Time Request Sent	Date Heard/Submitted	Date	Date	Date	Date
		Date Disqualification Sent	Date Judgment Filed	Date	Date	Date	Date
		Date Certain Notice Sent (No. sent)	Date Bill of Costs Filed	Date	Date	Date	Date
		Receipt of Day Certain Notices	Date Statement of Costs Filed	Date	Date	Date	Date
		Date Set for Argument	Petition for Rehearing Filed	Granted <input type="checkbox"/>	Denied <input type="checkbox"/>	Date	Date
		Committed	Additional Petitions for Rehearing-See Docket Entries	Record Returned			
		Not Committed	Petition for Certiorari Filed	Granted <input type="checkbox"/>	Denied <input type="checkbox"/>	Date	Date
		ROR	Additional Petitions for Certiorari-See Docket Entries	Date Received			
		Bill					

GENERAL DOCKET

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

76-7364
T-6299

DATE	FILINGS - PROCEEDINGS
1-21-76	Filed copies of docket entries and notice of appeal, Pro Se
2-2-76	Constance E. Brooks, Pro Se, filed form C
2-2-76	Constance E. Brooks, Pro Se, filed form D
2-2-76	Filed pro se scheduling order #1
8-10-76	Filed record (original papers of district court)
10-6-76	Filed briefs and appendices, appellant, (4cc.)

*Se. exhibit
State's counsel failed
To serve you a copy
of Brief & appendices*

*There is
proof of
Service*

(A true copy.)

A. Daniel Tiscan

Clerk

*Vincent A. Carlin
Chief Deputy Clerk*